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BY ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Jose Velez v. O'Brien et al.*, 15-CV-7441 (VEC);

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of the defendants. Defendants write to request that the Court grant an extension of the expert discovery deadline to April 14, 2017, for the purpose of obtaining a rebuttal expert to respond to plaintiff's expert report and/or, to have the opportunity to depose plaintiff's expert. This extension will not affect any future deadlines, and will cause no prejudice to plaintiff. Counsel for the plaintiff does not consent to defendants' request to serve a rebuttal expert report, but takes no position on defendants' request to depose his purported expert.

By way of background, plaintiff alleges that he was subjected to excessive force after he was arrested for driving while intoxicated following a car accident in which he crashed into five parked cars on East 11th Street in Manhattan. Plaintiff disclosed his purported expert's report on Friday, March 3, 2017, the deadline for the conclusion of expert discovery. More specifically, plaintiff retained an accident reconstructionist who is of the opinion that it is unlikely that plaintiff's injuries were the result of the car accident, but rather were sustained after the accident. Admittedly, the undersigned did not initially anticipate requiring a rebuttal expert, but after review, plaintiff's report warrants further scrutiny. It should be noted that defendants submit this request with the understanding that they will not file a *Daubert* motion in accordance with the Court's briefing schedule ordered at the most recent status conference. (Dkt. 37).

Finally, and as stated above, this extension will not affect any upcoming deadlines, nor will it cause any prejudice to plaintiff, should plaintiff make such a contention.

Respectfully submitted,

/s/

Matthew E. Stein
Assistant Corporation Counsel

MES/m

cc: Ryan Lozar, Esq. (via ECF)